

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
RICHARD D. BENNETT
UNITED STATES DISTRICT JUDGE
NORTHERN DIVISION

U.S. COURTHOUSE - CHAMBERS 5D
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December 18, 2018

LETTER ORDER

To Counsel of Record: *Acosta v. Chimes District of Columbia, et al.*
Civil Action No. RDB-15-3315

Dear Counsel:

The bench trial in this case is currently set to begin **January 14, 2019** in **Courtroom 5D**. Yesterday, this Court held an on the record teleconference to address the several pending Motions *in Limine*. For the reasons set forth on the record, this Court orders as follows.

1. MOTION in Limine *to Exclude Evidence and Argument in Support of New Fiduciary Theory* by Gary Beckman, FCE Benefit Administrators, Inc., Stephen Porter (ECF No. 464) is **DENIED**;
2. MOTION in Limine (2) *to Exclude Testimony of Diane Lapin and an Inadmissible Email Chain* by Gary Beckman, FCE Benefit Administrators, Inc., Stephen Porter (ECF No. 465) is **GRANTED**;
3. MOTION in Limine (3) *to Exclude Evidence Relating to Benefit Plans Other Than the Chimes Plan* by Gary Beckman, FCE Benefit Administrators, Inc., Stephen Porter (ECF No. 466) is **GRANTED**;
4. MOTION in Limine (4) *to Order the Destruction of and to Exclude an Email Covered by the Attorney-Client and Work Product Privileges, Designated by the Secretary as Plaintiff's Trial Exhibit 164* by Gary Beckman, FCE Benefit Administrators, Inc., Stephen Porter (ECF No. 467) is **GRANTED**;
5. MOTION in Limine (5) *to Exclude Testimony of Daniel Levin for Lack of Personal Knowledge* by Gary Beckman, FCE Benefit Administrators, Inc., Stephen Porter (ECF No. 468) is **DENIED**;
6. MOTION in Limine (6) *to Exclude Evidence of Co-Defendant Admissions Against FCE Defendants* by Gary Beckman, FCE Benefit Administrators, Inc., Stephen Porter (ECF

No. 469) is **GRANTED**;

7. MOTION in Limine *(7) to Exclude Evidence and Argument Related to Significa Benefit Services, Inc.* by Gary Beckman, FCE Benefit Administrators, Inc., Stephen Porter (ECF No. 470) is **GRANTED**;
8. Joint MOTION in Limine *to Exclude Evidence of Claims Processing Errors on Plans Other Than the Chimes Plan* by Gary Beckman, Albert Bussone, Chimes D.C. Inc. Health & Welfare Plan, Chimes District of Columbia, Inc., Chimes International Ltd, FCE Benefit Administrators, Inc., Martin Lampner, Stephen Porter, Marilyn Ward (ECF No. 471) is **DENIED**;
9. MOTION in Limine *by Joint Defendants to Preclude the Secretary from Offering Expert Opinion Testimony in Support of Claimed Damages for Years 2010, 2016 and 2017* by Gary Beckman, Albert Bussone, Chimes D.C. Inc. Health & Welfare Plan, Chimes District of Columbia, Inc., Chimes International Ltd, FCE Benefit Administrators, Inc., Martin Lampner, Stephen Porter, Marilyn Ward (ECF No. 472) is **GRANTED**;
10. MOTION in Limine *by Joint Defendants to Preclude the Secretary from Offering Evidence Relating to Subsequent Remedial Measures* by Gary Beckman, Albert Bussone, Chimes D.C. Inc. Health & Welfare Plan, Chimes District of Columbia, Inc., Chimes International Ltd, FCE Benefit Administrators, Inc., Martin Lampner, Stephen Porter, Marilyn Ward (ECF No. 473) is **GRANTED**;
11. MOTION in Limine *to Preclude Evidence Related to Ward's Recordkeeping After Her Retirement* by Marilyn Ward (ECF No. 474) is **GRANTED**;
12. Joint MOTION in Limine *to Preclude Evidence of Extraneous Lawsuits or Investigations* by Gary Beckman, FCE Benefit Administrators, Inc., Stephen Porter, Marilyn Ward (ECF No. 475) is **GRANTED**;
13. Joint MOTION in Limine *to Exclude Evidence Concerning Reasonableness of BCG's Fees And Contributions* by Gary Beckman, Albert Bussone, Chimes D.C. Inc. Health & Welfare Plan, Chimes District of Columbia, Inc., Chimes International Ltd, FCE Benefit Administrators, Inc., Martin Lampner, Stephen Porter, Jeffrey Ramsey, Marilyn Ward (ECF No. 476) is **DENIED**;
14. MOTION in Limine *to Exclude the Testimony of EBSA Investigator Siamack Gharanfoli and to Exclude Evidence of EBSA's Investigation* by R. Alexander Acosta (ECF No. 477) is **DENIED**;
15. MOTION in Limine *to Exclude the Testimony of Defendants' Putative Expert Aaron Raddock* by R. Alexander Acosta (ECF No. 478) is **DENIED**;

16. MOTION in Limine *To Exclude Declaration of Grace Dong and Attached Documents* by R. Alexander Acosta (ECF No. 479) is **DENIED**;
17. MOTION in Limine *to Exclude Deposition Testimony of Kathy Thames and Supp. Report and Opinion of J. Mark Abernathy* by R. Alexander Acosta (ECF No. 480) is **GRANTED**;
18. MOTION in Limine *to Prevent the Secretary from Offering Evidence of Payments Made by the Plan to Reimburse Chimes D.C., Inc. for Work Performed by Chimes D.C., Inc. Employee Karen Holcomb* by Chimes D.C. Inc. Health & Welfare Plan, Chimes District of Columbia, Inc., Chimes International Ltd (ECF No. 482) is **GRANTED**;
19. MOTION in Limine *by Joint Defendants to Preclude the Secretary from Offering Evidence, Including Expert Testimony, in Support of Any Claim That Alleged Excessive Fees Paid to FCE By the Chimes D.C., Inc. Health & Welfare Plan Exceed \$2,931,465.48* by Gary Beckman, Chimes D.C. Inc. Health & Welfare Plan, Chimes District of Columbia, Inc., Chimes International Ltd, FCE Benefit Administrators, Inc., Stephen Porter (ECF No. 483) is **DENIED**.

Notwithstanding the informal nature of this letter, it is an Order of this Court and the Clerk is directed to docket it as such.

Sincerely,

/s/
Richard D. Bennett
United States District Judge